

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD R. DEBOSE,

No. C 14-5268 SI (pr)

Plaintiff,

**ORDER GRANTING MOTION FOR
RECONSIDERATION**

v.

STATE OF CALIFORNIA; et al.,

Defendants.

The court dismissed this action on April 28, 2015 because plaintiff had not filed the amended complaint that was due on March 27, 2015. Plaintiff has filed a motion for reconsideration, urging the court to set aside the dismissal because he had sent in a request for extension of time on March 11, 2015 but did not receive ruling on that request before his amended complaint was due or before the action was dismissed. (No ruling was made because the court did not receive any request for extension of the deadline from plaintiff.)


A party may move to alter or amend a judgment in a motion filed no later than 28 days after entry of judgment. *See* Fed. R. Civ. P. 59(e). A motion for reconsideration under Federal Rule of Civil Procedure 59(e) "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the law." *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (citation omitted) (en banc).

Plaintiff's motion for reconsideration is GRANTED. Docket # 16. The order of dismissal and judgment are now VACATED. Plaintiff must file an amended complaint curing the deficiencies identified in the order of dismissal with leave to amend no later than **June 22, 2015**.

1 No extensions of this deadline should be expected because plaintiff already had three months
2 to prepare his amended complaint before learning of the dismissal of the action, i.e., a diligent
3 plaintiff would have working on the amended complaint since receiving the February 25, 2012
4 order of dismissal with leave to amend until receiving the April 28, 2015 order of dismissal.

5 IT IS SO ORDERED.

6 Dated: May 26, 2015



SUSAN ILLSTON
United States District Judges